Secrt. H-29—27,004—25-11-25.

Law (general) (1926) Department.

Mis. SERIES.

G.O. No. 2554

DATED 12-8-1926.

[Despatch Abstract.]

Establishment

M.R.Ry. K. Narasimha Bhat, Deputy Nazir, District Munsif's Court, Puttur - initial pay to be fixed at Rs.68 with effect from 4-1-1923 - Refused.

DEPARTMENT.

T8

Received ..... 192 *Registered* ..... 192 .

Subject.

ENCLOSURES.
No. .....
....
Spare copies .....

R.O.C. No. 1610/26.

Station Madras, *Dated the* 11th May 192 6

From (Name) M.R.Ry. V. Venkataramana Ayyar Avargal,

(Designation) 2nd Asstt. Registrar, Original Side, High Court, (In Charge).

To The Secretary to the Government of Madras

Law (General) Department.

Copy fwd' the Accountant General

Sir,

Fixing of pay - K. Narasimha Bhat, Deputy Nazir, District Munsif's Court, Puttur.

I am to forward for the orders of His Excellency the Governor in Council a memorial of K. Narasimha Bhat, Deputy Nazir, District Munsif's Court, Puttur, praying that his pay be fixed at Rs.68 in the scale of 60--4--80 from 4th January 1923, and to state that the Hon'ble the Judges recommend the request. The memorialist was drawing Rs.65/- as Head-Clerk before that date and the posts of Head clerk and Deputy Nazir in a District Munsif's Court have been declared to be of the same cadre. A copy of High Court's Order, Dis. No.2870/25, dated the 29th October 1925 and copy of the

pp.4-5 inf.

p. 3 inf.

correspondence

pp.3-7 in correspondence between the Accountant-General and the District Judge, South Kanara, in the matter are enclosed.

There has been no delay on the part of the memorialist as he has been all along pressing his claims.

I have the honour to be,

Sir,

Your most obedient servant,

17/5

2nd Asstt. Registrar, Original Side,

(In Charge).

B.A.

Copy of High Court Order, D. Dis. No.3270/25, dated the 29th October 1925:-

Subject:- Fixing of initial pay - K. Narasimha Bhat, Dy. Nazir, District Munsif's Court, Puttur.

R e a d:- (1) Petition dated 30-8-1925 of K. Narasimha Bhat.

(2) Letter D.No.4738, dated 8-10-1925 from the District Judge, South Kanara.

ORDER: D. Dis. No.2270/25, dated 29th October 1925.

The pay of the petitioner was fixed under orders of Government B' conveyed in G.O.No.30, Law (General), dated 4th January 1923 and it is too late to ask for a reconsideration of the orders.

Copy of the correspondence between the Accountant-General and the District Judge, South Kanara:--

Copy of letter No.S. K. 1-294, dated 26th/27 September 1925 from the Accountant-General, Madras, to the District Munsif, Puttur:-

With reference to your letter No.1761, dated 10th September 1922, enquiring what pay should be drawn by the Deputy Nazir of your court, officiating as Head Clerk since 8th July 1922, I have the honour to state that, under Rule 32 of the Fundamental Rules, the Deputy Nazir may be granted Rs.65/- per mensem from 8th July 1922. As he had already acted as Head Clerk for two months and three days (19th October 1920 to 9th November 1920 and 1st December 1920 to 11th January 1921) he will rise to Rs.68/- per mensem after he has officiated for nine months and 27 days subsequent to 8th July 1922.

Copy of letter No.S.K. 1-845, dated the 18th August 1925 from the Accountant-General, Madras, to the District Judge, South Kanara:-

In continuation of this Office letter No.S.K.1-702, dated 1st B' June 1923, I have the honour to state that, under para.5 of G.O.No.30,

Law

Law (General) Department, dated 4th January 1923, the initial pay of Mr. K. Narasimha Bhat should be fixed at Rs.60/- only as he drew pay at Rs.53/- on 4th January 1923.

Copy of petition dated 9th September 1923 from K. Narasimha Bhat, Deputy Nazir, District Munsif's Court, Puttur to the - - District Judge, South Kanara:-

The revision of the process service establishment sanctioned under G.O. No.30, Law (General) Department had worked a great hardship upon me.

2. The Accountant-General, Madras, in his letter No.S.K.1-845 dated 18-8-1923 addressed to Your Honour, has fixed my initial salary at Rs.60/- under para.5 of G.O. No.30 aforesaid. In so doing he seems to have ignored the fact that a Deputy Nazir's cadre which is 60--4--80 is the same as that of a Head Clerk of a District Munsif's Court and that in that cadre my position is one above Rs.64/- by reason of having officiated as Head Clerk on Rs.65/- prior to the revision of the clerical establishment, that is, from 19th October 1920 to 9th November 1920 and from 1st December 1920 to 11th January 1921.

3. The Accountant-General's letter S.K. 1-294, dated 26th/27 September 1922 addressed to the District Munsif supports the above view inasmuch as therein he says that I should rise to Rs.68/- if I put in a service of 9 months and 27 days in the cadre 60--4--80. It is needless to add here that I have put in a further service of three months in the cadre 60--4--80 from 8th July 1922.

4. The High Court in its Proceedings R.O.C.No.230 of 1921, dated 5th March 1923 communicated to the Accountant-General, Madras, authorised District Judges to observe the instructions contained in G.O.No.711, Finance, dated 11th July 1921 wherever necessary and possible while fixing the initial pay of members of the process service establishment under para.5 of G.O.No.30 referred to in para.1 supra.

5.

5. Under para. 4 supra of the annexure to G.O.No.711 aforesaid read with the rules under G.O.No.1060, Finance, dated 17-13-1920, officiating promotion is not admissible to me in the cadre 60--4--80 and my initial pay has to be fixed with reference to my position in the said and not with reference to the post I hold.

6. It works a great hardship to see that by reason of a subsequent revision I should fall down from my position in the cadre 60--4--80 and should begin service afresh in that cadre when I should start on Rs.68/-, i.e. the stage above Rs.65/- drawn by me both prior to 1st March 1921 (the date of the revision of the establishment) and also subsequent thereto as already approved of by the Accountant-General in his letter S.K.1-294, dated 26/27th September 1922 referred to in para. 3 above.

7. For the reasons aforesaid I most humbly pray that Your Honour may be pleased to recommend my case to Government as one of special hardship and to fix my initial pay at Rs.68/- on 4-1-1923.

Copy of letter D.No.1865, dated 23rd April 1924 from the District Judge, South Kanara, to the Accountant-General, Madras:-

Adverting to your letter No.S.K. 1-845, dated the 18th August 1923 suggesting that the initial pay of K. Narasimha Bhat, Deputy Nazir, District Munsif's Court, Puttur, should be fixed at Rs.60/- per mensem under paragraph 5 of G.O.No.30, Law (General), dated 4th January 1923, I have the honour to state as follows:-

2. Prior to the introduction of the revision of the clerical establishments sanctioned in G.O. No.711, dated 11th July 1921, the Deputy Nazir officiated as Head Clerk of the District Munsif's Court, Puttur, from 19th October 1920 to 9th November 1920 and from 1st December 1920 to 11th January 1921 and drew salary at Rs.35/- (Rs.52/- as substantive pay and Rs.13/- acting allowance) and when subsequently he again acted as Head Clerk from 8-7-1922 his pay was fixed at Rs.65/-

under

under Rule 32 of the Fundamental Rules in view of the fact that he had ~~xxxxxxxx~~ previously acted as Head Clerk.--Vide your letter No.S.K. 1-294, dated 26/27th September 1922 to the District Munsif, Puttur, in which you also expressed the opinion that the Deputy Nazir would rise to Rs.68/- per mensem after he had officiated in that post for nine months and 27 days from 8th July 1923. I may point out that he acted as Head Clerk for a further period of three months from the last named date.

3. It may not be out of place to mention in this connection that practically there seems to be little difference in the time-scale and cadre of both the posts of Head Clerk and Deputy Nazir, and though it is true that according to G.O. No.30, Law (General), the initial pay should be fixed on the basis of the salary actually drawn by the Deputy Nazir on the date on which the G.O. came into force, yet it may be pointed out that the latter drew salary on that date only at Rs.52/- per mensem as he had reverted at that time to his substantive post. This circumstance cannot, I think, affect him adversely in view of the fact that he had put in a service of nearly six months in the post of Head Clerk and also the fact that under Rule 32 of the Fundamental Rules and para.4 of ~~xxx~~ your Circular letter No.T.M.24-40-527, dated 25th March 1922, officiating salary at any stage of the time-scale counts for increment. It seems to me that it will be unjust to place him in a worse position after the revision than before and to ask him to commence service in the time-scale over again on Rs.60/- per mensem when, as stated, above, his pay was fixed at Rs.65/- per mensem during his officiating service. The District Munsif proposed to fix his initial pay at Rs.68/- per mensem on account of the circumstances adverted to above, but in pursuance of the instructions contained in your first-named letter referred to above his initial pay was fixed only at Rs.60/- per mensem. I have ~~xxxxxxxx~~ the honour therefore to request that you will be good enough to inform me as early as possible whether in the light of the foregoing circumstances the order fixing his initial pay at Rs.60/- may not be revised and his salary fixed at Rs.68/- per mensem with effect from 4th January 1923.

(B)

Copy

Copy of letter No. S. K. 1-40, dated 14th May 1924 from the Accountant-General, Madras, to the District Judge, South Kanara:-

With reference to your letter No. D.1865, dated the 19/23rd April 1924, I have the honour to state that according
B' to para.5 of G.O. No.30, Law (General), dated the 4th January 1923, the initial pay of the Deputy Nazir should be fixed at Rs.60/- only from 4th January 1923. The sanction of Government would be necessary if the initial pay is to be fixed at a sum higher than the above amount.

8

No. S.K.1-770. OFFICE OF THE ACCOUNTANT-GENERAL, MADRAS,

Fort St. George, 7th of June 192 6

Enclosures.

FROM

THE ACCOUNTANT-GENERAL,

MADRAS.

9. 2946B
9/6/26

To

The Secretary to Government,

Law (General) Department.

~~Sir~~

F O R W A R D E D.

The Deputy Nazir appears to have acted as Head clerk from 19-10-1920 to 9-11-1920, 1-12-1920 to 11-1-1921, and 8-7-1922 to 7-10-1922 and drawn pay at Rs.65/- (Rupees 52/- substantial pay plus Rs.13/- Acting pay during these periods). At the time of the introduction of the time scale for Process Service Establishment with effect from 4-1-1923 under G.O. 30 Law (General) Department dated 4-1-1923, he was drawing only Rs.52/- and his initial pay in the time scale was therefore fixed at Rs.60/-

'B'

It is now contended that the fact of his

his having previously acted as Head clerk on Rs.65/- for about 5 months and 3 days should be taken into account and that his initial pay as Deputy-Nazir from 4-1-1923 should be fixed at Rs.68/-, the stage next above Rs.65/- in the scale Rs.60--4--80.

The sanction of Government was considered necessary for this.

TSV

DY. ACCOUNTANT GENERAL.

Law (Gl.), Deptt.

Memo. no. 2946 B-3
5.7.26

Fixing of pay of K. Narasimha Bhat. Dy. Nazir Dh. Munsif's Court, Puttur. Endorsement of the A.G. no. S.K. 1-770 of the 7.6.26.

pp. 8-9 Ct

In his petition dated the 9.9.23 K. Narasimha Bhat, Dy. Nazir, Dh. Munsif's Court, Puttur states that the High Court in its Proceedings R.O.C. no. 230 of 1921 dated the 5.3.23, (Communicated to the A.G.), authorized the Dh. Judges to observe the instructions contained in Govt. no. 711 Judicial, of the 11.7.21 in fixing the initial pay of members of the process service establishment under Govt. no. 30 Law (Gl.)

p. 4 Ct

Para 4 ibid

(W.)

(2)

11

by Mr. 4. 1-9/23. The
A.G is requested to state
whether it be examined
the case of Narasimha
Bhat- with reference to
the High Court's proceedings
referred to ~~above~~ and
if so ~~what was the decision~~
~~taken by him~~ to state how
for his/her initial pay
the petitioner's case stands
now
26.7.26. in relation to those proceedings

26/7/26

To
the A.G.
Govt. Cr. in Ord. to
be stated. with reply.

DESPATCHED with encl.
6th JUL1928

12

Two drafts

Letter No 29463-2 Law (General) Dept
Defce. Jo 5-7-26

To Hon'ble the Chief Justice,
High Court of Judicature,
Madras

DESPATCH
6th JUL 1926

Hon'ble Sir,

Fixing of pay - K. Narasimha
Bhat Dy. Nazir Dt. Munsiff's
Court, Puttur High Court
letter Ro.C. No 1610/26 dy the
5 7 26

pp. 1-2 CF.

I am directed
to request that the Hon'ble
the Judges will be so good
as to forward to Govt.
a copy of the High Court's
Proceedings, Ro.C. No. 230 of
9/21, dy the 5 3 9/23,
referred to in paragraph
4 of the petition of
Narasimha Bhat dy the
9.9.9/23.

p. 4 CF

27-7-26.

2-7-26

T-O

13

CF 30

DEPARTMENT.

G.O. 3542-B. 17/7/26

Received 17-JUL-1926 Registered 192

SECRETARIAT GOVT. OF MADRAS LAW DEPARTMENT

Subject.

ENCLOSURES.

No.

Spare copies

R.O.C. No. 1610/26

Station Madras Dated the 12th July 1926 192

From (Name) M.R.Ry V. Venkataramana Ayyar Avargal,

(Designation) Second Asst. Registrar, High Court, Original Side, in charge.

To The Secretary to the Government of Madras

Law(General) Department.
(with enclosures)

Sir,

Fixing of pay - K.Narasimha Bhat - Deputy Nazir, District Munsif's Court, Puttur.

p. 12 ante With reference to your letter No.2946 B-2 dated 5th July 1926, I am to forward a copy of the High Court's Proceedings p. 14 inf. R.O.C.No.230 of 1921 dated 5th March 1923.

I have the honour to be,
Sir,
Your most obedient servant,

Second Asst. Registrar.

P.S.

14

Copy of R.O.C.No.230 of 1921 dated the 5th March 1923, from the Registrar, High Court to the Accountant General.

Process Serving Establishment - Revision - Discrepancies in the Proposition statements - Applicability of the rules contained in G.O.No.711, Finance dated the 11th July 1921.

(W)

--

The reconciliation of the discrepancies pointed out in the proposition statements of certain districts is now engaging the attention of the High Court and a consolidated reply will be sent to you later. The proposition statements of other districts where no discrepancies have been pointed out are being sanctioned by the High Court and communicated to you and to the District Judges concerned.

The way in which existing incumbents are to enter the various scales of pay in the revision is stated in paragraph 5 of G.O. No.30, Law (General) dated the 4th January 1923. But District Judges will be requested to observe also the instructions contained in G.O.No.711 Finance dated the 11th July 1921, wherever necessary and possible.

ß'

Effect may be given to the revision from 4-1-23 on the receipt of sanctioned proposition statements from the High Court.

P.S.

5

OFFICE OF THE ACCOUNTANT GENERAL, MADRAS,

Fort St. George, the ~~17th of~~ July *192* 6.

1-)3583B
207/26.

No. S.K. 1-283.

pp. 10-11 ante.

ENCLOSURES. Refce:--Memo No.2946 B-3 dated 5-7-1926 regarding the fixing of the pay of K.Narasimha Bhatt, Deputy Nazir, District Munsiff's Court, Puthur.

---

5 sheets and one copy of letter

p. 14 ante

p. 16 inf

The case has been examined with reference to High Court's Proceedings R.O.C. No. 230 of 1921 dated 5-3-1923 which was based only on paragraph 2 of this office letter T.M. 25-383 dated 22-2-1923 * to the Registrar, High Court (copy herewith attached) and to paragraph 4 of annexure to G.O. No. 711 Finance dated 11-7-1921.

(W)

2. Acting promotions are not now admissible between the posts of Deputy Nazirs and head clerks of District Munsiff's Courts as they are on the same scale of pay and thus the officiating salary drawn prior to the date of the introduction of the revised scale of pay by a acting head clerk can, as per paragraph 4 of annexure to G.O.711, be taken into account in fixing the initial pay of the Process Service Establishment. But the Deputy Nazir in question was not drawing any officiating salary on the date of the introduc-tion of the revised time scale of pay (he having acted in the post on the last occasion some three months earlier than the date of the G.O. No. 30 Law (General) dated 4-1-1923).

(W)

'B'

3. It was therefore considered that as per paragraph 5 of G.O. No. 30 and paragraph 2 of this office letter that the officiating salary drawn by the Deputy Naxir on a date previous to 4-1-1923 cannot be taken into account in fixing his initial pay.

'B'

RSV.

DY. ACCOUNTANT GENERAL.

TO

The Secretary to Government,
Law(General) Department.

*Vide overleaf.

Copy of paragraph 2 of this office letter T.M.25-383 dated 22-2-1923 to the Registrar, High Court.

As regards the orders contained in paragraph 5 of the (B) G.O. on the fixing of the initial pay of the existing incumbents, (W) it is presumed that the general principles in G.O.711 Finance dated 11-7-1921 should be observed, the salary drawn on the date of the introduction of the time scales being taken into account instead of the salary drawn during the three months prior to 1-3-1921.

True Copy.

Manager, Correspondence Section.

Tsv.

Fixing of initial pay- K.Narasimha Bhat,
Dy. Nazir, Dt. Munsif's Court, Puttur.

C.No. 2946B From the High Court, R.O.C.No. 1610/26, dated the 11-5-2
Endt.of the A.G.No.S.K.1-770, dated the 7-6-26.

U.S. .

K.Narasimha Bhat is a Dy. Nazir in the Dt. Munsif's Court, Puttur. As a Dy. Nazir he is in the scal of Rs. 60-4-80 sanctioned for Dy. Nazirs in G.O.No. 30, Law (General), dated the 4-1-23.

2. Head clerks of Dt. Munsifs courts also are placed in the same scale of pay. But whereas the revision in the case of Head clerks etc took effect from March 1921, the revision of the pay of Dy. Nazirs took effect from the 4-1-23.

3. K.N.Bhat adted as Head clerk of the Dt. Munsi Court, Puttur from the 19-10-20 to 9-11-20 and from the 1-12-20 to 11-1-21. (he has also acted as Head clerk for three months after the 8-7-22). As Head clerk he was getting Rs . 65 (Rs. 52 as substantive pay and Rs. 13 as acting allowance).

4. At the time of the issue of the orders in G.O. No. 30, Law (General), dated the 4-1-23, K.N.Bhat had apparently been reverted to his permanent appointment as Dy. Nazir. So his initial pay was fixed by the Account-ant General at Rs. 60 with reference to paragraph 2 of th above G.O.

K.N.Bhat now requests that

(1) as in the capacity of Head clerk he had been drawing Rs. 65 and that as

(2) the scale of pay of Head clerk and Dy. Nazir is the

same, namely, Rs. 60-4-80, his initial pay may be fixed at Rs. 68 from the 4-1-23. The Hon'ble the Judges of the High Court recommend that this request may be sanctioned.

It is submitted that paragraph 2 of G.O.No. 30, Law (General), dated the 4-1-23, specifically states that the G.O. is to take effct from the date of order and the pay was fixed at Rs. 60 according to paragraph 5 of the G.O. on the advice of the A.G.(Vide pp.3-4- and 8 S.F). It will be seen from the A.G's. Endt. at pages 8-9 C.F. that the higher initial pay recommended by the High Court requires the special sanction of the Government. The remarks of the Finance Department may be invited [redacted].

20 JUN 1926 LAW DEPARTMENT

16.6.26

17-6-26

Law (Gen) no 2946 B-1 22.6.26

SECRETARIAT 22 JUN 1926 DEPARTMENT

Finance (C.SR)

At p 8 C 7, the A.G. states the facts of the case and there is nothing to be added to the facts stated.

2. In his petition in para 4 at p 4 C 7. Mr Bhat states that the High Court in its proceedings R.O.C no 230 of 1921 (Sic) dated 5th March 1923 (Communicated to the A.G.) authorised the judges to observe the instructions contained in G.O ??? Fin — dated

1806 G&R 22/6

W

dated 11 July 1921 wherever necessary and possible while fixing the initial pay of members of the process service establishment under G.O. No. 30 Law (Ge) dated 4th Jan 1923 Law may be requested to ~~state~~ ascertain from the A.G. whether he examined the case with reference to these orders and if so, to state the position with reference to them. A copy the High Court proceedings quoted above may also be obtained by Law (General) before the case is further examined in finance.

B'

A'

28/6/26

29.6.26

Law

Law (Ge) Dept.

No.

Fin. (Ge) no. 1800 S-163R dt. 1-7-26

Case (Ge) 3260 B 1-7-26

MADRAS SECRETARIAT LAW DEPARTMENT 1 JUL 1926

Fin.

With reference to portion 'A' of the Finance Dept - note supra a draft letter to the High Court ~~is~~ and with reference to portion 'B' a draft memo. to the A.G. are submitted.

2-7-26.

2-7-26

4/ c

Issued as Memo. No. 2946 B-3 Lg. dy 5-7-26. fp 10-11
Letter no. 2946 B-2 Lg; dy the 5-7-26 p. 12 Cf

[Cro. 3542] From the 2nd Asst. Regr; High p. 13 Cf
Court, R. C. No. 1610/26 dy the 12-7-26.
[Cro. 3583] From the Ag. No. S.K. 1-283 dy the 17-7-26. p 15 Cf

m/

Please see the Finance Deptt. note on pp. 2-3 ante. The High Court has furnished the paper and the A.G. the information required by the Finance Deptt. - Vide pp. 13-16 Cf. pp. 13-16 Cf

2/ From paragraphs 2 and 3 of the A.G's. letter at p. 15 Cf it will be seen that under the existing orders, the pay of the petitioner could not be fixed at Rs. 68/- with effect from the 4-1-1923. The petition may therefore be rejected.

3/ Finance may, however, see the case with reference to their note on pp. 2-3 ante.

27.7.26

28/7

Finance. ho

Law (Ge) no. 2946 B. 4
28.7.26

28.7.26

No. 21658 GR
28/7/26

5

Finance (ESN)

[Previous Finance note at pages 2-3 ante]

May be perused and returned

to Law 30/7.

Cmy to 28/7/26 30/7/26 Law (no).

Fin No. 21658-1 C&R
31-7-26

Law (Gl.) Dept.

Draft order submitted.

Instead of Counting the HC's letter & think the draft and give the reasons. Any Objn to this?

5.8.26.

6-8-26.

11/8

S

V.T.K.
11/8

Sd.
7.8.26.

10/8/26.

Fin No. 37553-B
31/7/26

Govt. II-5 (b)—5,003—6-12-24. (6)

Law (General) DEPARTMENT.

	Date.	Initials.
When received for Fair-copying.		
When copied	12.8.26	
When examined		
When signed		
When despatched		

Establishment

K. Narasimha Bhat, Dy. Nazir, Dt. Munsif's Court, Puttur - Initial pay to be fixed at Rs. 68 with effect from 4-1-1923 - Refused.

READ AGAIN G.O. No. ....., dated ..... 192 .

" " " " ..... " ..... 192 .

READ ALSO :- p.12 C.F.

High Court, R.O.C.

C. No. 2946 B From the 2nd Asst. Registrar, / No. 1610/26, dated 11-5- 192 6

p.8 C.F. Endt. of the A.G. S.K. 1-770 7-6-26

" p.10-11 C.F. Memo to -do- " 2946 B-3 " 5-7 26 192

p.15 C.F. " 3583 B From. -do- " S.K. 1-283 " 17-7- 1926.

ORDER.

No. 2557 dated 12.8. 1926.

Mis

B'

p.15 C.F.

The Government observe that on the date of introduction of the revised time-scales of pay sanctioned for the process service establishment in G.O. No. 30 L.G. dated the 4th January 1923, ~~xxxxxxxxx~~ M.R.Ry. K. Narasimha Bhat, Dy. Nazir, Dt. Munsif's Court, Puttur, was not in receipt of any officiating salary. His initial pay was therefore correctly fixed at Rs. 60 with reference to paragraph 5 of the above G.O. In the circumstances, the Govt. see no reason to ~~decline~~ to sanction his request that his initial pay may be fixed at Rs. 68. with effect from the 4th January 1923.

DESPATCHED on 13-AUG 1926

p.1 C.F.

To

The Hon'ble the C.J. with C.L. a of IV, q of ~~endt.~~ rest & O

Copy to A.G. q. & O.

FWP. 7-8-26.

10-8-26

11/8

11/8